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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,543	10/24/2000	Alan T. Slater	3184/15US	3493

31013 7590 12/23/2003

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
919 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/695,543

Applicant(s)

Alan T. Slater

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/09/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-4, And 7-8 is/are allowed.
- 6) ☒ Claim(s) 1, 2, And 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment, filed on 10/09/2003.
2. Claims 1-8 are presented for examination.

**ALLOWABLE SUBJECT MATTER**

3. Claims 3-4, and 7-8 are allowed over the prior art of record.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Rejection under 35 U.S.C. 102 (e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122 (b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United

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States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

5. Claims 1, 2, and 5-6 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nichols et al. (U.S. Pat. No. 6,354,491).

As per claims 1, 2, and 5-6 Nichols discloses a check writing point of sale system that designed to accept payer account number input with a subsequent debiting of a payer account and crediting merchant's account for the goods or services, comprising:

storing in a database information concerning checking accounts including a first table of checking accounts that are not in good standing and a second table of checking accounts that are in good standing (see., col 7, lines 35-59, specifically wherein it is stated that the system is comprised of three separate but interactive databases. A merchant database checkwriter database stores records of all service subscribers authorized to initiate electronic checking requests, and col 1, lines 23-54);

receiving checking account information extracted from a tendered check (see., col 3, lines 7-16, specifically wherein it is stated that point of sale purchases of goods and services paid from consumer funds secured in bank checking or depository accounts, and also col 8, lines 61-67 );

without providing access to sources of checking account information other than said comprehensive database, comparing said checking account information from said tendered check to said first table of checking accounts that are not in good standing and said second table of checking accounts that are in good standing (see., col 9, lines 25-44, specifically wherein it is stated that approval process

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or disapproved or when verifying social security or comparing social security and bank account, col 14, lines 42-67, please note that comprehensive database or first table of checking accounts);

returning an indication that said tendered check can not be verified if said checking account information from said tendered check matches said first table of checking accounts that are not in good standing (see., col 9, lines 25-44, specifically wherein it is stated that when approved transaction events are transmitted to the consumer's financial institution, and the step of good standing see., col 14, lines 13-41);

returning an indication that said tendered check can be verified if said checking account information from said tendered check matches said second table of checking accounts that are in good standing (see., col 9, lines 25-44, and the step of good standing see., col 14, lines 13-41); and

presenting said tendered check for negotiation if said indication that said tendered check can be verified is returned (see., col 14, lines 42-67, specifically wherein it is stated that a match is found and where the checkwriter's status field within the database is listed in good standing, please note that good standing or check is verified, and also col 2, lines 52-57). Furthermore, first and second tables are readable as the process of matching checkwriter).

**REMARKS**

6. In response to Applicant's arguments, Applicant argues that the Nichols' reference fails to disclose: "building a comprehensive database of checking account information that eschews reliance on accessing". However, the Examiner respectfully disagrees since the Nichols' reference discloses

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this limitation in col 7, lines 35-59, specifically wherein it is stated that the system is comprised of three separate but interactive databases. A merchant database checkwriter database stores records of all service subscribers authorized to initiate electronic checking requests, and col 1, lines 23-54, and col 3, lines 7-16, specifically wherein it is stated that point of sale purchases of goods and services paid from consumer funds secured in bank checking or depository accounts, and also col 8, lines 61-67).

***Conclusion***

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231


The Official Fax Number For TC-3600 is:

**(703) 305-7687**

**Application/Control Number: 09/695,543**

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Pierre Eddy Elisca

Patent Examiner

December 20, 2003